Administrative Motion to Consider Whether Cases Should Be Related, Case No.C 07 5158 MMC

Filed 01/18/2008

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1. Related Case.

Service Employees International Union, Local 715 v Stanford Hospital and Clinics and Lucile Packard Children's Hospital, Case No. C-08-0215 JCS, currently pending before Magistrate Judge Joseph C. Spero.

2. Relationship of the Actions.

The present matter and the matter before Judge Spero are related as defined by Civil Local Rule 3-12(a) in that they involve substantially the same parties, labor agreement, and questions of law.

Both actions involve the same parties and same Collective Bargaining Agreement ("CBA"). In the present case, the employer is seeking an Order vacating an arbitration award which it lost and, consequently, has failed and refused to comply with. Local 715 seeks an order from the Court denying the employer's petition to vacate and entering an order confirming the arbitration award. In the related case, Stanford Hospital and Clinics and Lucile Packard Children's Hospital (the "employer") has refused to arbitrate a grievance pursuant to the parties' CBA. Thus, Local 715 brought the related action in an effort to obtain an order from the Court compelling the employer to arbitrate the Union's grievance pursuant the grievance/arbitration provisions of the parties' CBA.

The legal issues are substantially the same, and if the cases are heard by different judges, there will be an unduly burdensome duplication of both labor and expenses, and the possibility of conflicting results. Both cases are brought pursuant to Section 301 of the Labor Management Relations Act of 1947 ("LMRA"), 29 U.S.C. § 185(a). In addition, both cases involve substantially the same legal issues. In the present matter, the employer makes similar legal arguments as to why the arbitrator's award, in this case, should be vacated. For example, the employer argues that the arbitrator lacked authority to decide the issue submitted to him. In the related case, the employer has indicated that it has no intent in arbitrating the instant dispute because it does not believe that an arbitrator has the authority to decide such matters.

Accordingly, because it appears likely that there will be an unduly burdensome duplication of labor and expense, and/or conflicting results if the cases are conducted before different judges.

This is primarily because both cases involve substantially the same parties and questions of law.

3. Assignment of the Actions.

Local 715 believes that the assignment of the action to Judge Chesney will conserve judicial resources and promote an efficient determination of the actions. The matter assigned to Judge Chesney was filed first in order; therefore, relating the cases before Judge Chesney is appropriate.

4. <u>Conclusion.</u>

For the reasons stated above, Local 715 respectfully requests that a related case order be entered respecting this new case listed above.

Dated: January 17, 2008

WEINBERG, ROGER & ROSENFELD A Professional Corporation

By: /s/ W. DANIEL BOONE WILLIAM A. SOKOL W. DANIEL BOONE BRUCE A. HARLAND Attorneys for Petitioner SEIU, LOCAL 715

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